

UNITED STATES DISTRICT COURT

for the

Northern District of New York

MAKYLLA HOLLAND,

Plaintiff(s)

v.

BROOME COUNTY; DAVID E. HARDER, in his individual and official capacity as Broome County Sheriff; MARK SMOLINSKY, in his individual and official capacity as Broome County Jail Chief Administrator; and ISHTIAQ HOSSAIN, MAHMOOD AHMED, PARRIS GEORGE, ADAM VALLS, DAVID ALLEN, FRANKLIN BIRT, MICHAEL MCCAFFERTY, MATTHEW SIMEK, DANIEL WEIR, JOSEPH DAVIS, NICHOLAS BIXBY, DOUGLAS DAILEY, ADAM WILCOX, BRIAN DOYLE, COLIN RILEY and CORRECTIONS OFFICERS DOE 1-5, all in their individual capacities.

Defendant(s)

Civil Action No. 9:22-cv-00297-DNH-CFH

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Franklin Birt
 118 CARMICHAEL RD
 BINGHAMTON, NY 13901-1167

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeremy A. Benjamin (Bar Roll #: 516705)
 Paul, Weiss, Rifkind, Wharton & Garrison LLP
 1285 Avenue of the Americas
 New York, New York 10019
 (212) 373-3000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

John Romanus
 Clerk of Court



Date: September 15, 2022

s/N. Steves

Signature of Clerk or Deputy Clerk

Civil Action No. 9:22-cv-00297-DNH-CFH

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
 Attorney: Paul, Weiss, Rifkind, Wharton & Garrison
 Address: 1285 Avenue Of The Americas New York, NY 10019

MAKYLLA HOLLAND,

vs

BROOME COUNTY, et al.,

Plaintiff

Defendant

Index Number: 9:22-cv-00297-DNH-CFH

Client's File No.: 091019-00001 (E. Abrams)

Court Date:

Date Filed: 09/13/2022

STATE OF NEW YORK, COUNTY OF BROOME, SS.:

Jonn Russel, being sworn says:

AFFIDAVIT OF SERVICE

Deponent is not a party herein; is over the age of 18 years and resides in the State of New York.

On 09/17/2022, at 9:43 AM at: 118 CARMICHAEL ROAD, BINGHAMTON, NY 13901-1167 Deponent served the within Summons in a Civil Action, Amended Complaint Jury Trial Demanded

On: FRANKLIN BIRT, Defendant therein named.

Said documents were conformed with index number and date of filing endorsed thereon.

☒ #1 INDIVIDUAL☒ By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein.☒ #2 DESCRIPTIONSex: Male Color of skin: White Color of hair: Black Glasses: No
Age: 36 - 50 Yrs. Height: 5ft 9inch - 6ft 0inch Weight: Over 200 Lbs. Other Features:☒ #3 MILITARY SERVICE

I asked the person spoken to whether subject was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

☐ #4 WITNESS FEES

Subpoena Fee Tendered in the amount of \$.

☐ #5 OTHER

Sworn to before me on

9-19-22

Debra Russell

DEBORA RUSSELL
 NOTARY PUBLIC, STATE OF NEW YORK
 Registration No. 01RU6369074
 Qualified in Broome County

My Commission Expires

12/26/2025



[Signature]
 Jonn Russel
 DCA License#